

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

<b>REBECCA DADISMAN, <i>et al.</i>,</b>	:	<b>CASE NO. 3:22-cv-00297</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
	:	<b>JUDGE _____</b>
<b>v.</b>	:	
	:	
<b>PETTISVILLE LOCAL SCHOOL</b>	:	
<b>DISTRICT BOARD OF EDUCATION,</b>	:	
<b><i>et al.</i>,</b>	:	
	:	
<b>Defendants.</b>	:	

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**ANSWER TO COMPLAINT**

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NOW COMES Pettisville Local School District Board of Education (“PLS”), Ken Boyer, Jason Waldvogel, Tori Jordan and Erinn Thompson (collectively, “Defendants”), by and through counsel, and hereby files its Answer to Plaintiffs’ Complaint.

1. Plaintiffs’ statement in Paragraph 1 sets forth legal conclusions and questions of law to which no response is required.

2. Plaintiff’s statement in Paragraph 2 sets forth legal conclusions and questions of law to which no response is required.

3. Defendants deny for lack of knowledge the allegations contained in Paragraph 3 of Plaintiffs’ Complaint.

4. Defendants deny for lack of knowledge the allegations contained in Paragraph 4 of Plaintiffs’ Complaint.

5. Regarding the allegations in Paragraph 5, Defendants admit B.D. Doe was a former student at East Clinton Local Schools. Defendants are without knowledge regarding the remaining allegations in Paragraph 5 and therefore denies them.

6. Defendants admit the allegations contained in Paragraph 6 of Plaintiffs' Complaint.

7. Defendants admit the allegations contained in Paragraph 7 of Plaintiffs' Complaint.

8. Regarding the allegations in Paragraph 8 of the Complaint, Defendants admit that Defendant Ken Boyer has been employed by PLS as its superintendent. Defendants deny for lack of knowledge the remaining allegations contained in Paragraph 8 of Plaintiffs' Complaint.

9. Regarding the allegations in Paragraph 9 of the Complaint, Defendants admit that Defendant Jason Waldvogel has been employed by PLS as its Elementary Principal and has served as a compliance officer. Defendants deny for lack of knowledge the remaining allegations contained in Paragraph 9 of Plaintiffs' Complaint.

10. Regarding the allegations in Paragraph 10 of the Complaint, Defendants admit that Defendant Tori Jordan has been employed by PLS as counselor. Defendants deny for lack of knowledge the remaining allegations contained in Paragraph 10 of Plaintiffs' Complaint.

11. Regarding the allegations in Paragraph 11 of the Complaint, Defendants admit that Defendant Erinn Thompson has been employed by PLS as an elementary school teacher. Defendants deny for lack of knowledge the remaining allegations contained in Paragraph 11 of Plaintiffs' Complaint.

12. Defendants deny for lack of knowledge the allegations contained in Paragraph 12 of Plaintiffs' Complaint.

13. Defendants deny for lack of knowledge the allegations contained in Paragraph 13 of Plaintiffs' Complaint.

14. Plaintiffs' statement in Paragraph 14 sets forth legal conclusions and questions of law to which no response is required.

15. Plaintiffs' statement in Paragraph 15 sets forth legal conclusions and questions of law to which no response is required.

16. Defendant admits the allegations in Paragraph 16 of the Complaint.

17. Regarding the allegations of in Paragraph 17 of the Complaint, Defendants admit that they are domiciled within the Northern District of Ohio and that this Court properly exercises personal jurisdiction over them. Defendants deny the remaining allegations contained in Paragraph 17 of Plaintiffs' Complaint.

18. Defendants deny for lack of knowledge the allegations contained in Paragraph 18 of Plaintiffs' Complaint.

19. Defendants deny for lack of knowledge the allegations contained in Paragraph 19 of Plaintiffs' Complaint.

20. Defendants deny for lack of knowledge the allegations contained in Paragraph 20 of Plaintiffs' Complaint.

21. Defendants deny for lack of knowledge the allegations contained in Paragraph 21 of Plaintiffs' Complaint.

22. Defendants deny for lack of knowledge the allegations contained in Paragraph 22 of Plaintiffs' Complaint.

23. Defendants deny for lack of knowledge the allegations contained in Paragraph 23 of Plaintiffs' Complaint.

24. Defendants deny for lack of knowledge the allegations contained in Paragraph 24 of Plaintiffs' Complaint.

25. Defendants deny for lack of knowledge the allegations contained in Paragraph 25 of Plaintiffs' Complaint.

26. Defendants deny for lack of knowledge the allegations contained in Paragraph 26 of Plaintiffs' Complaint.

27. Defendants deny for lack of knowledge the allegations contained in Paragraph 27 of Plaintiffs' Complaint.

28. Defendants deny for lack of knowledge the allegations contained in Paragraph 28 of Plaintiffs' Complaint.

29. Defendants deny for lack of knowledge the allegations contained in Paragraph 29 of Plaintiffs' Complaint.

30. Defendants deny for lack of knowledge the allegations contained in Paragraph 30 of Plaintiffs' Complaint.

31. Defendants deny for lack of knowledge the allegations contained in Paragraph 31 of Plaintiffs' Complaint.

32. Defendants deny for lack of knowledge the allegations contained in Paragraph 32 of Plaintiffs' Complaint.

33. Defendants deny for lack of knowledge the allegations contained in Paragraph 33 of Plaintiffs' Complaint.

34. Defendants deny for lack of knowledge the allegations contained in Paragraph 34 of Plaintiffs' Complaint.

35. Defendants deny for lack of knowledge the allegations contained in Paragraph 35 of Plaintiffs' Complaint.

36. Defendants deny for lack of knowledge the allegations contained in Paragraph 36 of Plaintiffs' Complaint.

37. Defendants deny for lack of knowledge the allegations contained in Paragraph 37 of Plaintiffs' Complaint.

38. Defendants deny for lack of knowledge the allegations contained in Paragraph 38 of Plaintiffs' Complaint.

39. Defendants deny for lack of knowledge the allegations contained in Paragraph 39 of Plaintiffs' Complaint.

40. Defendants deny for lack of knowledge the allegations contained in Paragraph 40 of Plaintiffs' Complaint.

41. Defendants admit the allegations contained in Paragraph 41 of Plaintiffs' Complaint.

42. Defendants deny the allegations contained in Paragraph 42 of Plaintiffs' Complaint.

43. Defendants deny for lack of knowledge the allegations contained in Paragraph 43 of Plaintiffs' Complaint.

44. Defendants deny for lack of knowledge the allegations contained in Paragraph 44 of Plaintiffs' Complaint.

45. Defendants deny for lack of knowledge the allegations contained in Paragraph 45 of Plaintiffs' Complaint.

46. Defendants deny for lack of knowledge the allegations contained in Paragraph 46 of Plaintiffs' Complaint.

47. Defendants deny for lack of knowledge the allegations contained in Paragraph 47 of Plaintiffs' Complaint.

48. Defendants deny for lack of knowledge the allegations contained in Paragraph 48 of Plaintiffs' Complaint.

49. Defendants deny for lack of knowledge the allegations contained in Paragraph 49 of Plaintiffs' Complaint.

50. Paragraph 50 of the Complaint is a statement reincorporating Plaintiff's allegations in Paragraphs 1 through 49, to which no response is required. To the extent a response is required, Defendants reincorporate their responses to Paragraphs 1 through 49.

51. Plaintiffs' statement in Paragraph 51 of the complaint sets forth legal conclusions and questions of law to which no response is required.

52. Defendants deny the allegations contained in Paragraph 52 of Plaintiffs' Complaint.

53. Defendants deny the allegations contained in Paragraph 53 of Plaintiffs' Complaint.

54. Defendants deny the allegations contained in Paragraph 54 of Plaintiffs' Complaint.

55. Defendants deny for lack of knowledge the allegations contained in Paragraph 55 of Plaintiffs' Complaint.

56. Defendants deny the allegations contained in Paragraph 56 of Plaintiffs' Complaint.

57. Defendants deny for lack of knowledge the allegations contained in Paragraph 57 of Plaintiffs' Complaint.

58. Defendants deny for lack of knowledge the allegations contained in Paragraph 58 of Plaintiffs' Complaint.

59. Defendants deny the allegations contained in Paragraph 59 of Plaintiffs' Complaint.

60. Defendants deny the allegations contained in Paragraph 60 of Plaintiffs' Complaint.

61. Defendants deny the allegations contained in Paragraph 61 of Plaintiffs' Complaint.

62. Defendants deny for lack of knowledge the allegations contained in Paragraph 62 of Plaintiffs' Complaint.

63. Defendants deny for lack of knowledge the allegations contained in Paragraph 63 of Plaintiffs' Complaint.

64. Defendants deny the allegations contained in Paragraph 64 of Plaintiffs' Complaint.

65. Defendants deny for lack of knowledge the allegations contained in Paragraph 65 of Plaintiffs' Complaint.

66. Paragraph 66 of the Complaint is a statement reincorporating Plaintiff's allegations in Paragraphs 1 through 65, to which no response is required. To the extent a response is required, Defendants reincorporate their responses to Paragraphs 1 through 65.

67. Defendants deny for lack of knowledge the allegations contained in Paragraph 67 of Plaintiffs' Complaint.

68. Defendants deny the allegations contained in Paragraph 68 of Plaintiffs' Complaint.

69. Defendants deny the allegations contained in Paragraph 69 of Plaintiffs' Complaint.

70. Defendants deny the allegations contained in Paragraph 70 of Plaintiffs' Complaint.

71. Defendants deny the allegations contained in Paragraph 71 of Plaintiffs' Complaint.

72. Defendants deny the allegations contained in Paragraph 72 of Plaintiffs' Complaint.

73. Defendants deny the allegations contained in Paragraph 73 of Plaintiffs' Complaint.

74. Defendants deny the allegations contained in Paragraph 74 of Plaintiffs' Complaint.

75. Defendants deny for lack of knowledge the allegations contained in Paragraph 75 of Plaintiffs' Complaint.

76. Defendants deny the allegations contained in Paragraph 76 of Plaintiffs' Complaint.

77. Defendants deny the allegations contained in Paragraph 77 of Plaintiffs' Complaint.

78. Defendants deny for lack of knowledge the allegations contained in Paragraph 78 of Plaintiffs' Complaint.

79. Defendants deny for lack of knowledge the allegations contained in Paragraph 79 of Plaintiffs' Complaint.

80. Defendants deny the allegations contained in Paragraph 80 of Plaintiffs' Complaint.

81. Paragraph 81 of the Complaint is a statement reincorporating Plaintiff's allegations in Paragraphs 1 through 80, to which no response is required. To the extent a response is required, Defendants reincorporate their responses to Paragraphs 1 through 80.

82. Defendants admit the allegations contained in Paragraph 82 of Plaintiffs' Complaint.

83. Defendants deny for lack of knowledge the allegations contained in Paragraph 83 of Plaintiffs' Complaint.

84. Defendants deny for lack of knowledge the allegations contained in Paragraph 84 of Plaintiffs' Complaint.

85. Defendants deny the allegations contained in Paragraph 85 of Plaintiffs' Complaint.

86. Defendants deny for lack of knowledge the allegations contained in Paragraph 86 of Plaintiffs' Complaint.

87. Defendants deny for lack of knowledge the allegations contained in Paragraph 87 of Plaintiffs' Complaint.

88. Defendants deny the allegations contained in Paragraph 88 of Plaintiffs' Complaint.

89. Defendants deny the allegations contained in Paragraph 89 of Plaintiffs' Complaint.

90. Defendants deny the allegations contained in Paragraph 90 of Plaintiffs' Complaint.

91. Defendants deny the allegations contained in Paragraph 91 of Plaintiffs' Complaint.

92. Defendants deny the allegations contained in Paragraph 92 of Plaintiffs' Complaint.

93. Paragraph 93 of the Complaint is a statement reincorporating Plaintiff's allegations in Paragraphs 1 through 92, to which no response is required. To the extent a response is required, Defendants reincorporate their responses to Paragraphs 1 through 92.



94. Defendants deny for lack of knowledge the allegations contained in Paragraph 94 of Plaintiffs' Complaint.

95. Defendants deny the allegations contained in Paragraph 95 of Plaintiffs' Complaint.

96. Defendants deny for lack of knowledge the allegations contained in Paragraph 96 of Plaintiffs' Complaint.

97. Defendants deny the allegations contained in Paragraph 97 of Plaintiffs' Complaint.

98. Defendants deny the allegations contained in Paragraph 98 of Plaintiffs' Complaint.

99. Defendants deny the allegations contained in Paragraph 99 of Plaintiffs' Complaint.

100. Defendants deny the allegations contained in Paragraph 100 of Plaintiffs' Complaint.

101. Defendants deny the allegations contained in Paragraph 101 of Plaintiffs' Complaint.

102. Defendants deny the allegations contained in Paragraph 102 of Plaintiffs' Complaint.

103. Defendants deny the allegations contained in Paragraph 103 of Plaintiffs' Complaint.

104. Defendants deny the allegations contained in Paragraph 104 of Plaintiffs' Complaint.

105. Defendants deny the allegations contained in Paragraph 105 of Plaintiffs' Complaint.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

2. Plaintiffs' Complaint must be dismissed for lack of subject matter jurisdiction.

3. Intervening and/or superseding events caused the allegations contained in this Complaint.

4. Defendants assert all affirmative defenses contained within Civil Rules 8 and 12, as applicable.

5. Plaintiffs' claims are barred under the civil immunity provisions and other provisions of Chapter 2744 of the Ohio Revised Code and common law.

6. Defendants have, at all times, acted in good faith and with reasonable grounds for believing they have not violated state or federal law.

7. Plaintiffs failed in their duty to mitigate and/or minimize damages, if any.

8. Plaintiffs' claims are barred in whole or in part because Defendants exercised reasonable care and adopted and maintained effective policies and procedures to prevent and promptly correct any purportedly discriminatory behavior. To the extent that the Plaintiffs unreasonably failed to utilize these policies and procedures, or failed to take advantage of any preventative or corrective opportunities provided by the Defendants or to otherwise avoid harm, Plaintiff's claims, or portions thereof, including any claims of punitive damages, may be barred.

9. Plaintiffs are estopped from pursuing the claims in Plaintiffs' Complaint and each purported claim therein by reasons of their own actions and course of conduct.

10. Plaintiffs waived their rights, if any, to pursue the claims in Plaintiffs' Complaint and each purported claim therein by reasons of their own actions and course of conduct.

11. Plaintiffs' claims for punitive damages are barred because the alleged acts or omissions of Defendants fail to rise to the level required to sustain an award of punitive damages. They do not evidence a malicious, reckless or fraudulent intent to deny Plaintiffs any protected rights, and are not so wanton and reckless as to support an award of punitive damages.

12. To the extent Plaintiffs seek punitive damages for their state law claim, the availability of such damages is limited by Ohio Rev. Code §2315.212.

13. To the extent Plaintiffs seek punitive damages for their state law claim, the availability of such damages is limited by Ohio Rev. Code §2315.18.

14. Defendants reserve all rights pursuant to Civil Rule 15 to subsequently amend this pleading to raise additional and/or withdraw any of the foregoing affirmative defenses as may become necessary during the investigation and/or discovery of this action.

**WHEREFORE**, Defendants respectfully requests the following relief:

1. Dismissal of Plaintiff's Complaint.
2. Reimbursement of Defendants' attorney fees and court costs.
3. Any and all other relief to which the Court deems that Defendants are entitled.

Respectfully submitted,

/s/Robert J. McBride

Robert J. McBride (0065422)

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Attorney for Defendants

Pettisville Local School District Board of  
Education, *et al.*

### **CERTIFICATE OF SERVICE**

A copy of the foregoing has been filed via the Court's electronic filing system on May 23, 2022. Parties will be served by the Court in its normal manner.

/s/Robert J. McBride

Robert J. McBride